



FISCAL MEMORANDUM

HB 2249 - SB 2392

March 21, 2022

SUMMARY OF BILL AS AMENDED (016127): Specifies that a parent, sibling, grandparent, spouse, or legal guardian of an intercollegiate athlete who represents the intercollegiate athlete for the purpose of securing compensation for the use of the intercollegiate athlete's name, image, or likeness (NIL) is not considered an athlete agent and is not subject to the requirements for an athlete agent. Makes other various changes regarding NIL compensation.

FISCAL IMPACT OF BILL AS AMENDED:

NOT SIGNIFICANT

Assumptions:

- Pursuant to Article 12 of the NCAA bylaws, a student athlete is prohibited from being compensated for use of his or her name, image, or likeness, and from being represented by a sports agent.
- Effective July 1, 2021 the NCAA adopted an interim policy waiver that excuses compliance with Article 12 of the NCAA bylaws until federal legislation or new NCAA rules are adopted. The policy allows individuals to engage in NIL activities in accordance with state laws.
- Public Chapter 400 of the 112th General Assembly effective January 1, 2022 authorized an intercollegiate athlete the with the ability to earn compensation for the use of the athlete's NIL.
- Pursuant to Tenn. Code Ann. § 49-7-2802 (h)(1) intercollegiate athletes can obtain representation by a third party or an athletic agent, for the purpose of securing compensation for their NIL. The section further requires that the agent be registered with Secretary of State's Office (SOS) or if the representative is an attorney, to be in good standing under the attorney's licensing authority.
- According the SOS, since July 1, 2021, the number of athlete's agents registered in Tennessee has risen approximately 25 percent, attributed directly to the NCAA's decision. Since the eight months of enactment no such family members are currently registered as athlete agents with the SOS; therefore, the proposed legislation will not have a significant fiscal impact to state or local government.
- The provisions of this legislation will not have significant fiscal impact to the intuitions of higher education or to their college athletic programs.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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